

LEGISLATIVE BILL 165

Approved by the Governor March 1, 2001

Introduced by Kristensen, 37; Beutler, 28; Bromm, 23

AN ACT relating to the Telemarketing and Prize Promotions Act; to amend sections 86-2001 and 86-2008, Reissue Revised Statutes of Nebraska; to prohibit certain acts by solicitors, sponsors, or sellers; to provide a civil penalty; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 86-2001, Reissue Revised Statutes of Nebraska, is amended to read:

86-2001. Sections 86-2001 to 86-2013 and section 3 of this act shall be known and may be cited as the Telemarketing and Prize Promotions Act.

Sec. 2. Section 86-2008, Reissue Revised Statutes of Nebraska, is amended to read:

86-2008. A solicitor, sponsor, or seller may not do any of the following:

- (1) Misrepresent the source of any written prize notice;
- (2) Represent directly or by implication that the number of individuals eligible for the prize is limited or that an individual has won or will receive a particular prize unless that representation is true; ~~or~~
- (3) Misrepresent the value of a prize; or
- (4) Request or accept any payment, or create an impression that any payment is required, from an individual prior to the receipt of a written prize notice by such individual if the solicitor, sponsor, or seller represents to such individual that he or she has won or will receive a prize. A written prize notice under this subdivision shall contain all the information required in section 86-2007.

Sec. 3. Any person who violates the Telemarketing and Prize Promotions Act shall be subject to a civil penalty of not more than two thousand dollars for each violation. The Attorney General, acting in the name of the state, may seek recovery of such civil penalties in a civil action.

Sec. 4. Original sections 86-2001 and 86-2008, Reissue Revised Statutes of Nebraska, are repealed.